

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~WEST~~ DISTRICT OF ~~PENNSYLVANIA~~

(chief) Michael S. Owl Feather - Gorbey

Full Name of Plaintiff

Inmate Number

v.

Hope L. Swann

Name of Defendant 1

Tiffany L. Lewis

Name of Defendant 2

U.S. Attorney General

Name of Defendant 3

The United States

Name of Defendant 4

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Case: 1:20-cv-02979 JURY DEMAND
Assigned To : Unassigned
Assign. Date : 10/14/2020
Description: Pro Se Gen. Civ. (F-DECK)

☒ Demand for Jury Trial
☐ No Jury Trial Demand

(under imminent danger)
28 USC § 1915(g)

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☒ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☒ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

consolidated

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Owl Feather-Gorbey Michael S.

Name (Last, First, MI)

D.C. Doc 317611 Fed. 33405-013

Inmate Number

U.S.P. Lewisburg P.A.

Place of Confinement

P.O. Box 1000 Lewis

Address

Lewisburg, P.A. 17837

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

SWANN Hope L.

Name (Last, First)

Paralegal specialist (clerk) U.S. D.O.J.

Current Job Title

P.O. Box 888 Benjamin Franklin Station

Current Work Address

Washington, D.C. 20044

City, County, State, Zip Code

Defendant 2:

Lewis Tiffany L.
Name (Last, First)
Paralegal specialist (clerk) Admin. off. US Courts
Current Job Title
one Columbia Circle, N.E. Room 7-290
Current Work Address
Washington, D.C. 20544
City, County, State, Zip Code

Defendant 3:

General U.S. Attorney
Name (Last, First)
U.S. Attorney General (US Government)
Current Job Title
U.S. DOJ, 950 P.A. Ave. N.W.
Current Work Address
Washington, D.C. 20530
City, County, State, Zip Code

Defendant 4:

States United
Name (Last, First)
US. Government
Current Job Title
U.S. DOJ, 950 P.A. Ave N.W.
Current Work Address
Washington, D.C. 20530
City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

U.S. D.O.J & Admin. office of U.S. CTS. Washington DC BETWEEN JANUARY 1, 2020 & DATE SEPTEMBER 19, 2020 & CONTINUING

B. On what date did the events giving rise to your claim(s) occur?

JANUARY 1, 2020 & SEPTEMBER 19, 2020 & CONTINUING see also 9-9-20

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

Hope L. SWANN & TIFFANY L. LEWIS ARE WORKING TOGETHER OR IN SEQUENCE UNDER THE DIRECTION OF THE U.S. ATTORNEY GENERAL & OR THE UNITED STATES TO IMPEDE GORBAY'S FEDERAL TORT CLAIMS WHILE KNOWINGLY SUBJECTING GORBAY TO IMMINENT DANGERS, SERIOUS & OTHER PHYSICAL INJURIES, SUBHUMAN CONDITIONS & A LIST OF OTHER RIGHTS VIOLATIONS (TO) IMPEDE COURT ACCESS.

see CONTINUANCE PAGES.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

1st & 14th amendment Rights To Access
To Courts & or Redress by (F.T.C.A) Form 95

8th & 14th Amendment Cruel unusual
Punishment Denial of medical & Physical
Injuries

1st & 14th Amendment Religious Rights

1st & 14th

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

85% Damage To 1-eye 35% To 2-eye. Head. Face. R-Hip.
L-Arm. R-Foot injuries UNSPECIFIED. Native Religious
Violations & Denial of (F.T.C.A) Access

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

- ① \$66,000,000.00 Cash. (Sixty Six million)
- ② INJUNCTION To Reform The Judicial Complaint Process.
- ③ INJUNCTION To Reform 28 USC § 1915(g)
- ④ INJUNCTION To Reform Professional Misconduct
Complaint Process.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose. *To best of my knowledge.*

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

(Chief) Michael S. W. Feather-Gorby

Signature of Plaintiff

9-19-20

Date

- (1) Courts Abusing use of §1915(g) AS A Financial barrier to immune the F.Bop & other Fed. Employees adding words to §1915(g) Congress chose to omit & then stretching a nexus to the absurdity while going beyond temporal constraints on what could or should be considered when evaluating Gorbey's imminent danger claims (to) knowingly shut Gorbey out of court. And at that temporal focal point becoming the cause of his conditions of confinement & the dangers he faces. Which is the same when (Tort Responders) impede his claims & provide him no redress. They then cause Gorbey to suffer.
- (a) Denial of Proper - timely glaucoma treatment seriously damaging his eyes & threatening Blindness and or the Excessive lighting he suffers damaging his eyes threatening Blindness
- (b) Falls & injuries from top bunks while his chronic disabilities prevent him from climbing
- (c) Assaults while authorities fail to keep him safe & abuse discipline process against him to cover it all up.
- (d) being kept in cells with no duress buttons while suffering serious medical conditions & staff fail to make meaningful rounds

(e) Deliberate Exposures To Covid-19.

All issues Gorbey would not keep facing if Tort Responders would Effectively address His claims Regarding Courts Abusing §1915(g) & deliberately shutting Him out. & All being imminent dangers see.

Martian vs. Shelton 319 F.3d. 1048, 1050 (8th Cir. 2003)
Pattern of misconducts Evidencing the likelihood of serious Physical injuries or Death.

Asemani vs. U.S. Citizenship & Imm. Servs 797 F.3d. 1069, 1074 (D.C. Cir. 2015)

Holding that the imminent danger Exception of §1915(g) is satisfied & Applies if the danger Existed At the Relevant Temporal Focal Point.

Williams vs. Paramo 775 F.3d. 1182, 1189 (6th Cir. 2015)

Ibrahim vs. D.C. 463 F.3d. 3, 6 (D.C. Cir. 2006)

Abdul-Akbar vs. McKelvie 239 F.3d. 307 (3rd Cir. 2001)

Gibbs vs. Cross 160 F.3d. 962, 966-67 (3rd Cir. 1998)

± Gorbey therefore. Qualify & thus seek leave To proceed ±ff under §1915(g)

(Chief) Michael S. Owl Feather - Gorbey
D.C. DOC 317611 Fed. 33405-013
USP Lewisburg, P.O. Box 1000
Lewisburg, PA. 17837.

SWANN & LEWIS ARE WORKING TOGETHER OR IN SEQUENCE OF A (PATTERN OF MISCONDUCTS) TO IMPEDIE MY FEDERAL TORT CLAIMS & SUBSEQUENT COURT ACCESS.

- (1) SWANN IS KNOWINGLY ERROR REJECTING MY (F.T.C.A) STANDARD FORM 95 & CLAIMS SENT TO THE U.S. D.O.J. FALSELY CLAIMING I DID NOT MAKE A CLAIM AMOUNT CERTAIN. WHEN IN FACT, EACH TIME I HAVE, DOWN TO THE LAST CENTS CLAIMED. SEE SEVERAL REJECTIONS SINCE JANUARY 1, 2020, WITH THE MOST RECENT DATED 9-9-20.
- (a) 1ST. BY SWANN'S CLAIM THAT THE ADMINISTRATIVE OFFICE OF U.S. COURTS HAS JURISDICTION OVER MY CLAIMS OR ANY OTHER FEDERAL AGENCY, SHE HAS NO AUTHORITY TO BE ADDRESSING ANY OF THE MERITS OF MY CLAIMS. & SHOULD SIMPLY TRANSFER THE CLAIMS TO THE APPROPRIATE AGENCY. AS REQUIRED BY LAW.
- (b) 2ND Simply because SWANN DOES NOT LIKE THE AMOUNT I CLAIM DOES NOT GIVE HER AUTHORITY TO TRY TO (FORCE ME TO) REDUCE IT. BY REJECTING MY CLAIM.

WHERE, THOUGH THE AMOUNTS I SEEK ARE COMMONLY LARGE! THEY ARE AMOUNTS (I) DEEM (MY) EYES. THE PHYSICAL INJURIES. SUBHUMAN CONDITIONS & OTHER RIGHTS VIOLATIONS (AS WELL AS) THE INFRINGEMENTS

To the integridies of my Government & its Judicial Systems Worth which to me is Priceless yet I did state A sum High but Certain

SWANN is using this bogus claim that I fail to state A sum certain (so) she can Reject my torts instead of Processing them or transferring them to an appropriate Responder. Knowingly impeding me Reliefs when I state my sums sought in both numerical order & in writing as here. \$66,000,000.00 (sixty six million)

While SWANN knows that claims I send Directly to the Admin. office of U.S. Courts never get Responded to.

- (2) Tiffany L. Lewis is Recieving my Tort claims Even ones Transfer From the U.S. DoJ. & simply Not Ever Processing most of them or Just Has them Summarily Denied.

Where. Since January 1, 2020 the U.S. DoJ. Has Transfer 6 of my standard Form 95 tort claims to Tiffany L. Lewis & yet (still today) I Have NOT Recieved one notice of the claims being Recieved, Filed or Process.

Where. Also. Since January 1, 2020 I Have Personally mail 4 standard Form 95 tort claims Directly to Tiffany L. Lewis yet Have.

NOT Received A single notice of Receipt.

Where, now SWANN & Lewis Are Working Together in A Pattern of misconducts & SWANN now instead of Transferring my claims Rejects them in Error under Her False claims that = Fail to state sums Certain & then while Lewis won't Process them is simply shutting me out denying me access to the (F.T.C.A.) on issues that impose imminent dangers, serious & other Physical injuries, subhuman conditions & A list of other Rights violations, & therefore being SWANN, Lewis, the U.S. Attorney General & UNITED STATES (Whom the later 2 are also Directly Responsible for the F.Bop!) Responsible for my conditions of Confinement.

Martin vs. Shelton 319 F.3d. 1048, 1050 (8th Cir. 2003)
Pattern of misconducts Evidencing the likelihood of serious Physical injury or death.

Asemani vs. U.S. Citizenship & Imm. Serv's 797 F.3d. 1069, 1074 (D.C. Cir. 2015)

Holding that the imminent danger Exception Applies if the danger Existed At the Relevant Temporal Focal Point of Action or Inaction.

Williams vs. Paramo 775 F.3d. 1182, 1189 (9th Cir. 2015)

= Ibrahim vs. A.C. 463 F.3d. 36, (D.C. Cir. 2006)

Abdul-Akbar vs. McKelvie 239 F.3d. 307 (3rd Cir. 2001)

Gibbs vs. Cross 160 F.3d. 962, 966-67 (3rd Cir. 1998)

where. NOT only does "defendants actions" force me to Endure the Dangers & Damages. At those Temporal Focal Points becoming the Cause of my Conditions of Confinement. Their Error (Pattern of misconducts) is also INFRINGING on my 1st & 14th Amendment Rights to Access to the (F.T.C.A) & subsequent Courts. While Forcing me to suffer 8th Amendment violations & Damages. See.

Elrod vs. Burnes 427 U.S. 347, 373. (1976)

A loss of A 1st Amend. Freedom For Even minimal Periods of Time. UNQUESTIONABLY CONSTITUTES irreparable injury

Neb. Press ASSN vs. Stuart 423 U.S. 1327, 1329 (1975)

Any 1st Amend. infringement that occurs With Each Passing Day is irreparable.

I Gorbey therefore demand Reliefs.

Relief sought

- (1) \$66,000,000.00 (Sixty six million Dollars cash)
- (2) INJUNCTION TO Reform the Judicial Complaint Process
- (3) INJUNCTION TO Reform 28 USC § 1915(g)
- (4) INJUNCTION TO Reform Professional misconduct Complaint Process

(Chief) Michael S. Owl Feather - Gorbey
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